

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

AMERICAN HEALTH CARE
ASSOCIATION, et al.,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Secretary of the United States
Department of Health and Human
Services, et al.,

Defendants.

Case No. 2:24-cv-00114-Z-BR

JOINT MOTION FOR BRIEFING SCHEDULE

Plaintiffs American Health Care Association, LeadingAge, Texas Health Care Association, Arbrog Plaza, Booker Hospital District, and Harbor Lakes Nursing & Rehabilitation Center (together, “Plaintiffs”), and Defendants Xavier Becerra, United States Department of Health and Human Services, Chiquita Brooks-LaSure, and Centers for Medicare and Medicaid Services (collectively, “Defendants,” and together with Plaintiffs, “the Parties”) hereby move the Court to enter a briefing schedule in this case.

This case presents a challenge to two portions of a final rule published at 89 Fed. Reg. 40876 (May 10, 2024). Counsel for the parties have conferred, including by email and by teleconference on August 8, 2024, regarding appropriate next steps in this case in order to present the disputes in the most efficient manner possible for the Court’s resolution. The parties have agreed that this case may be resolved by cross-motions for dispositive relief. The parties therefore respectfully request that the Court approve and enter the following briefing schedule, with the

noted page limits:¹

September 13, 2024	Deadline for Defendants to file Administrative Record;
September 27, 2024	Deadline for Plaintiffs to challenge the adequacy of the Administrative Record; ²
October 18, 2024	Deadline for Plaintiffs to file Motion for Summary Judgment, not to exceed 50 pages;
November 15, 2024	Deadline for Defendants to file combined Cross-Motion for Summary Judgment and Response to Plaintiffs' Motion for Summary Judgment, not to exceed 50 pages;
December 13, 2024	Deadline for Plaintiffs to file combined Response to Cross-Motion for Summary Judgment and Reply in Support of Motion for Summary Judgment, not to exceed 50 pages;
January 17, 2025	Deadline for Defendants to file Reply in Support of Cross-Motion for Summary Judgment, not to exceed 35 pages;

A proposed order is attached for the Court's convenience.

¹ Defendants also respectfully request that their deadline to respond to Plaintiffs' Amended Complaint with an Answer, should one be required, be extended during the pendency of the parties' anticipated cross-motions.

² If Plaintiffs elect to challenge the adequacy of the Administrative Record, the parties request that summary judgment briefing be deferred pending resolution of that challenge. If Plaintiffs elect not to challenge the adequacy of the Administrative Record, the parties request that summary judgment briefing proceed as outlined above.

Dated: August 9, 2024

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Respectfully submitted,

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